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PATENT

Attorney Docket No.: IME-037.01

(04156-3701)

4
D.S.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bajgar and Szycher)

Serial No.: 10/092,177)

Group Art Unit: 3731

Filed: March 06, 2002)

Examiner: To Be Assigned

Title: *Drug Eluting Encapsulated Stent*)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

8/16/02
Date of Signature
and of Mail Deposit

Terrill Williams
Terrill Williams

Commissioner for Patents
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT BASED ON INTERNATIONAL
SEARCH REPORT IN A COUNTERPART PCT APPLICATION**

Sir:

In compliance with the requirements of 37 C.F.R. 1.56, submitted herewith on Form PTO-1449 is a list of publications identified in an International Search Report in a related PCT application. A copy of each publication is being submitted herewith. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the cited documents as prior art against any claim in the

application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the cited references be applied against the claims of the present application.

This Information Disclosure Statement is being filed within three months of the mailing date of the International Search Report; therefore, no fee is believed to be due in connection with the filing of this disclosure. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our Deposit Account, No. 06-1448 reference **IME-037.01**.

Respectfully submitted,

FOLEY HOAG LLP

By: 

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Attorney for Applicants
Reg. No. 39,329

Dated: 8/16/02
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Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
IME-037.01 (04156-3701)

Application Number
10/092,177

Applicant
Bajgar and Szycher

Filing Date
March 06, 2002

Group Art Unit
3731

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	US 5,562,922	10/08/96	Lambert	424	486	
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
AB	WO 96/32907	10/24/96	PCT				X
AC	EP 0 734 721 A2	10/02/96	European Patent Application				X
AD	EP 0 761 251 A1	03/12/97	European Patent Application				X
AE	EP 0 850 651 A2	07/01/98	European Patent Application				X
AF	EP 0 950 386 A2	10/20/99	European Patent Application				X

OTHER DOCUMENTS
(Including Author, Title, Date, Pertinent Pages Etc.)

AG	International Search Report Completed on July 5, 2002 and Mailed on July 16, 2002					
EXAMINER				DATE CONSIDERED		

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



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Attorney's Docket No. IME-037.01
(04156-3701)

**INFORMATION DISCLOSURE STATEMENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application
of : Bajgar and Szycher

Serial No.: 10/092,177

Filed:

For: Drug Eluting Encapsulated Stent

Group No.: 3731

Examiner: To Be Assigned

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"

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☐ transmitted by facsimile to the Patent and Trademark Office.

Dated: August 16, 2002


Terrill Williams

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

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List of Sections Forming Part of This Information Disclosure Statement.

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
- 7A. ☒ EPO Search Report
- 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

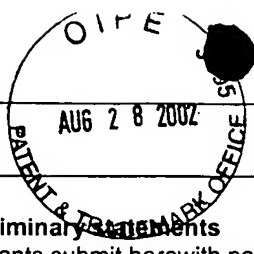
(complete the following, if appropriate)

Sections , respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

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FORM 6-1	6-13
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Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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FORM 6-1

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Section 6 Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included "

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement. **AA-AG**

(complete the following, if applicable)

- ☐ Exception(s) to above:
- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- ☐ Cumulative patents or publications identified in Section 5.

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Section 7A. Concise Explanation of Non-English Language Listed Information Items-EPO Search Report .
The relevance with respect to the following citations listed on Forms PTO/SB/08A and 08B (formerly form PTO-1449):

is submitted on the basis of the accompanying:

(check the appropriate item)

- ☒ EPO search report that is in the English language,
☐ EPO search report that is not in the English language and that is accompanied also by an
English language version of the EPO search report,

that issued on the corresponding European patent application.

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Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) [X] the attorney who signs below on the basis of the information:

(check each applicable item)

- [] supplied by the inventor(s).

- ☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(c))

- [X] in the practitioner's file.

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Date: 3/16/02

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